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EXAMINER	
RYAN, PATRICK A	

ART UNIT	PAPER NUMBER
2427	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/675,490	KARAOGUZ ET AL.	
	Examiner	Art Unit	
	PATRICK A. RYAN	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in response to Response Under 37 CFR 1.111 ("Reply"), filed January 7, 2009. Applicant has amended Claims 1, 11, and 21; no claims have been added; and no claims have been canceled. As amended, Claims 1 through 31 are presented for examination.

2. In Office Action of October 7, 2008 ("Office Action"):

Claims 1-7, 10, 11-17, 20, 21-27, 30, and 31 were rejected under 35 U.S.C. 102(e) as being anticipated by Novak (US Patent Application Publication 2002/0104099 A1).

Claim 8, 9, 18, 19, 28, and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Novak, in view of Weber, United States Patent (7,284,032).

Response to Arguments

3. Applicant's arguments, see Reply Pages 10-11, with respect to Claim 1 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments, see Reply Page 11-12, with respect to Claim 1 have been fully considered but they are not persuasive. Applicant presents that Novak does not teach the Claim 1 limitation "associating said produced media program and said edited metadata with said established personal television channel for the purpose of communicating said produced media program along with said edited metadata to another geographic location" because "Novak discloses that only the media programs

(objects), and not any associated metadata, are identified in the program listing for the synthetic channel 804". The Examiner respectfully disagrees.

It is the Examiner's position that providing a user the ability to "customize the playing time duration, playing time frequency, and the data at which the media is played" all constitute metadata that can be edited (with reference to Novak Paragraphs [0026,0040,0062-0070]). These aspects are further demonstrated in Novak's Fig. 8, which shows "Joe's TV Channel" 804 in association with the broadcast times and Conventional Television Broadcast Channels of EPG 802 (as described in Paragraphs [0071,0072]). In addition, the metadata editing aspects of Novak are also demonstrated in Figs. 6 and 7. As shown in Fig. 6, the duration "Time" of media content is established in a schedule, which can be set to repeat according to various patterns set by the uploading individual (Novak Paragraph [0062]). In addition, the Examiner presents that this associated metadata is also communicated with the media program because the scheduled broadcast times are also presented to the end user at STB 152 within the EPGs of Figs. 8 and 9 (i.e. 8:00, 8:30, 9:00, 9:30). It is the Examiner's position that if this data was not communicated with the media program, the end user viewing the EPG of Fig. 9 would not know when the content is to be broadcast in "Joe's TV Channel" because this data would not be transmitted from Upload Source 122. Therefore, the Examiner presents that Novak does in fact teach the Claim 1 limitation "associating said produced media program and said edited metadata with said established personal television channel for the purpose of communicating said produced media program along with said edited metadata to another geographic location".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-7, 10, 11-17, 20, 21-27, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (US Patent Application Publication 2002/0104099 A1), in view of Foreman et al, United States Patent (6,628,303 B1) hereinafter "Foreman".

7. In reference to Claim 1, Novak teaches a method for producing and delivering media content (as shown in Figs. 4 and 11; with further reference to the descriptions of Paragraphs [0056-0060; 0077-0086]), the method comprising:

establishing a personal television channel at a first geographic location ("Joe's TV Channel" as shown in Figs. 6-9 created by the method of Figs. 4 and 11; With further reference to the operations of Upload Source 122, as described in Paragraphs [0039,0040,0041,0046,0055,0056, 0068,0070,0074, and 0080])

modifying existing media content to produce a media program (Fields 706 of Fig. 7 allow an individual to enter media object information or preferences, such as identifiers for date, time slot, media object identifier (ID), media object description, or file type, as described in Paragraph [0063-0067]. Once the individual has entered the

media object information or preferences, the media objects are then compiled into the media program of Display 710, as described in Paragraph [0067]);

editing, at said first location, metadata associated with said media content (Fields 706 are customized by the individual, as described in Paragraphs [0063-0067]. In addition, the interface of Fig. 6 allows the uploading individual to create and edit a program schedule for Synthetic Channel);

associating the produced media program and said edited metadata with the established personal television channel (EPG 802 of Fig. 8 and EPG 152 of Fig. 9, which show "Joe's TV Channel" in association with the broadcast times and Conventional Television Broadcast Channels of EPG 802, as described in Paragraphs [0071,0072])

communicating said produced media program along with said edited metadata to another geographic location ("Joe's TV Channel" is then communicated to the end user of STB 152 according the schedule times established by Upload Source 122, as described in Paragraphs [0059,0072]. In addition, the metadata edited by Upload Source such as program titles, scheduled broadcast times, and object IDs are communicated with the program content to the end user, as shown in Figs. 8 and 9, which correspond to the data of Fig. 7).

However, it is unclear within the disclosure of Novak if the existing media content is modified with additional media content to produce the media program.

In a similar field of invention, Foreman teaches a graphical user interface for producing a video program using planning, capturing, editing, and recording functions

(Abstract). Foreman further discloses Interface 56 of Fig. 9 that allows a user to modify media content with additional media content such as transitions between clips (using effects tab Interface 153, as described in Col. 15 Lines 13-39; with further reference to Fig. 10), titles (using titles tab Interface 154, as described in Col. 15 Line 40—Col. 16 Line 7; with further reference to Fig. 11), and sounds such as voice-over commentary (using sound tab Interface 155, as described in Col. 16 Lines 8-27; with further reference to Fig. 12 and Interface 220).

Both Novak and Foreman teach methods and systems for generating a media program from existing media content. Novak discloses a method of allowing an individual to control aspects of the media program such as content type, length, sequence, and availability (Paragraph [0025]). Foreman discloses a method similar to Novak and further provides an interface allowing a user to modify aspects of individual clips with additional content such as transitions and voice-over commentary (as presented above). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of personal media program generation taught by Novak with the method of modifying media content with additional content, as taught by Foreman, in order to provide the user with the ability to further personalize the media presentation with content such as voice-over commentary.

8. In reference to Claim 2, the combination of Novak and Foreman teaches the method of Claim 1, comprising acquiring prior to said edition, said metadata associated with the media content (Novak: the File Type, shown in Fig. 7 and described in Paragraph [0064] is available to the upload individual prior to editing the media content).

9. In reference to Claim 3, the combination of Novak and Foreman teaches the method of Claim 2 wherein the acquired metadata is one or both of program metadata and/or primitive metadata (Novak teaches program metadata, such as Fields 704 and 706 as described in Paragraphs [0063-0070]).

10. In reference to Claim 4, the combination of Novak and Foreman teaches the method of Claim 1 comprising delivering said produced media program along with said edited metadata from said first geographic location to a second geographic location, for displaying at said second geographic location (Novak: upload individual at Upload Source 122, which can be a set top box, provides the programming of "Joe's Channel" to an end user at STB 152 for display in EPG 152, as described in Paragraphs [0073-0075] and shown in Fig. 9; with further reference to [0032,0039] and Fig. 1).

11. In reference to Claim 5, the combination of Novak and Foreman teaches the method of Claim 2 comprising updating the acquired metadata associated with media content to reflect at least a portion of changes associated with the modifying (Novak: "obtaining program updates" and "provisioning of the synthetic channel" in EPG 152, as described in Paragraphs [0059]; with further reference to Paragraph [0083] "updated EPG 153" performed at Block 1112 of Fig. 11).

12. In reference to Claim 6, the combination of Novak and Foreman teaches the method of Claim 5 comprising displaying at least a portion of the produced media program (Novak: Media Program Display 1002 of Fig. 10, displaying a synthetic channel or media program, as described in Paragraph [0076]).

13. In reference to Claim 7, the combination of Novak and Foreman teaches the method of Claim 1 wherein the modifying comprises augmenting and editing the media content (Novak: Interface 702 of Fig. 7 allows schedule information, such as the broadcast date or time slot, and program information, such as description and cast, to be modified by the uploading individual, as described in Paragraph [0063]).

14. In reference to Claim 10, the combination of Novak and Foreman teaches the method of Claim 1 comprising synchronizing the modified media content for presentation in the personal television channel (Novak: content modified by uploading individual is synchronized to the time axis of EPG 152 based on the associated time slots of "Joe's TV Channel", as shown in Figs. 8 and 9; with further reference to Paragraphs [0063,0071-0075]).

15. In reference to Claim 11, The combination of Novak and Foreman teaches a machine-readable storage with at least one coded section for producing and delivering media content (Novak: the method of Fig. 11 is stored on and executed from a machine-readable media as part of STB 152 or other local storage unit, as disclosed in Paragraph [0077]; with further reference to "token" program described in Paragraph [0058]), that is executable by a machine (Novak: STB 152, as described in Paragraph [0077]) to perform the steps of the method of Claims 1-7, and 10 (as addressed above).

16. In reference to Claim 21, the combination of Novak and Foreman teaches a system for producing and delivering media content (Novak: Figure 1, as introduced in

Paragraph [0025]), the system comprising a processor (Novak: STB 152 executing the flow diagram of Fig. 11 as described in Paragraphs [0077-0086]) for executing the method of Claims 1-7, and 10 (as addressed above).

17. In reference to Claim 31, the combination of Novak and Foreman teaches the system according to Claim 21, wherein the at least one processor is a media processing system processor (Novak: STB 152 executing the flow diagram of Fig. 11 as described in Paragraphs [0077-0086]).

18. Claim 8, 9, 18, 19, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Novak and Foreman, in view of Weber, United States Patent (7,284,032).

19. In reference to Claim 8, The combination of Novak and Foreman teaches the method of Claim 1 and further teaches that metadata associated with media content is periodically updated to reflect changes made to the EPG 152 (as describe in Paragraphs [0059,0083]), but the combination does not explicitly teach determining whether a media program comprises the modified media content.

In a similar field of invention, Weber teaches a method and system for enabling a user to define a data segment, record the data segment, and transmit the information associated with the data segment to a remote location (Abstract). In addition, Weber teaches a "highlight guide", shown in Fig. 3, that is used to display information regarding segments that have been defined by a user and recorded by PVR 11, 21, 31 (as described in Col. 4 Lines 6-39). Weber's further teaches a method of detecting modified

content that has been added to the highlight guide (as shown in Step 503 of Fig. 5 and described in Col. 6 Lines 12-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the personal media channel containing modified media content and associated metadata, as taught by the combination of Novak and Foreman, with a means for determining if the media content has been modified, as taught by Weber, in order to provide the end user with the most up to date content. In addition, the detection of modified content would allow the end user to decide weather to accept or reject the updated content (as Weber discuses in Col. 6 Lines 12-35).

20. In reference to Claim 9, the combination of Novak, Foreman, and Weber teach the method of Claim 8 comprising, if the media program comprises the modified media content, processing the media program based on metadata associated with the modified media content (Weber teaches that if a modified segment is detected at Step 503, the highlight guide is updated at Step 504, as described in Col. 6 Lines 12-35; with further reference to Fig. 4 and Col. 5 Lines 12-49 describing the process of editing and generating metadata corresponding to the media content).

21. In reference to Claim 18, the combination of Novak, Foreman, and Weber teach these limitations, as addressed in Claim 11 and Claim 8.

22. In reference to Claim 19, the combination of Novak, Foreman, and Weber teach these limitations, as addressed in Claim 11 and Claim 9.

23. In reference to Claim 28, the combination of Novak, Foreman, and Weber teach these limitations, as addressed in Claim 21 and Claim 8.

24. In reference to Claim 29, the combination of Novak, Foreman, and Weber teach these limitations, as addressed in Claim 21 and Claim 8.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Tuesday, March 31, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427